

GREENBERG TRAURIG LLP

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Attorneys for Defendants

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

FRANCIS KELLY,
11919 Alberta Drive
Philadelphia, PA 19154

Plaintiff,

v.

HD SUPPLY HOLDINGS, INC.
3100 Cumberland Blvd.
Atlanta, GA 30339 United
States,
and

HD SUPPLY, INC.
1100 John Galt Way
Burlington, NJ 08016,
and

HD SUPPLY MANAGEMENT, INC.
P.O. Box 182366
Columbus, OH 43218

Defendants.

Civil Action No. 1:14-cv-00372

Hon. Robert B. Kugler
Magistrate Judge Ann Marie
Donio

Motion Date: April 21, 2014

NOTICE OF MOTION TO DISMISS

TO: Ari R. Karpf
Christine Burke
Karpf, Karpf & Cerutti, P.C.
3331 Street Road
Two Greenwood Square, Ste. 128
Bensalem, PA 19020

PLEASE TAKE NOTICE that, on April 21, 2014, at 9:00 AM or as soon thereafter as counsel may be heard, the undersigned attorneys for Defendants HD Supply Holdings, Inc., HD Supply, Inc. and HD Supply Management, Inc. shall move before the Honorable Robert B. Kugler, at Courtroom 4D, Mitchell H. Cohen Building & U.S. Courthouse, 4th & Cooper Streets, Camden, NJ 08101, for an Order granting Defendants' Motion to Dismiss Plaintiff's Complaint in its entirety pursuant to Fed. R. Civ. P. 12(b)(6).

PLEASE TAKE FURTHER NOTICE that, in support of Defendants' Motion, Defendants will rely upon the accompanying Brief in Support.

PLEASE TAKE FURTHER NOTICE that a proposed form of Order is submitted herewith.

Dated: March 24, 2014

Respectfully submitted,

/s/ Kelly D. Bunting
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O R D E R

AND NOW, this ____ day of _____, 2014, after
consideration of Defendants' Motion to Dismiss, their Brief

in Support, together with any response thereto, it is hereby **ORDERED** that the Motion to Dismiss is **GRANTED**.

It is **FURTHER ORDERED** that the Complaint of Plaintiff Francis Kelly is **DISMISSED** in its entirety, and that Count II is dismissed with prejudice.

The Hon. Robert B. Kugler